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5 Attorney for Defendant
6 James Kuang

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JAMES KUANG and PHILIP KUANG,

14 Defendants.
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Case No. CR-09-00080 DLJ

**STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME FROM MAY 8,
2009 TO JUNE 12, 2009 FROM THE
SPEEDY TRIAL ACT CALCULATION
[18 U.S.C. § 3161(h)(7)(A)]**

17 The United States of America, by and through Joseph Russoniello, United States
18 Attorney for the Northern District of California, and Kyle F. Waldinger, Assistant United
19 States Attorney for said District, and defendant James Kuang, through his attorney Daniel
20 L. Barton, and defendant Philip Kuang, through his attorney Douglas Horngrad, hereby
21 stipulate and agree that the status hearing presently set in this matter for May 8, 2009
22 may be continued to Friday, June 12, 2009.

23 The parties further stipulate that the time between May 8, 2009 and June 12, 2009
24 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to
25 grant the requested continuance would unreasonably deny defense counsel reasonable
26 time necessary for effective preparation, taking into account the exercise of due
27 diligence.
28

1 Finally, the parties agree that the ends of justice served by granting the requested
2 continuance outweigh the best interest of the public, and the defendant in a speedy trial
3 and in the prompt disposition of cases. 18 U.S.C. § 3161(h)(7)(A).

4 This stipulation is entered into for the following reasons: (1) The United States
5 Attorney has provided defense counsel with a large volume of documentation related to
6 this case; (2) defense counsel needs additional time to review the records, consult with
7 their clients, and research and investigate issue related to the defense of this case; and
8 (3) the granting of this continuance will facilitate further discussions that may result in a
9 negotiated disposition of the charges.

10 For the foregoing reasons, it is respectfully requested that the status hearing be
11 continued to June 12, 2009, at 9:00 a.m., and the time between May 8, 2009 and
12 June 12, 2009 be excluded under the Speedy Trial Act.

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14 NOLAN, ARMSTRONG & BARTON LLP

15 Dated: 4/30/09_____

_____/s/_____
Daniel L. Barton
Attorney for Defendant James Kuang

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18 Dated: 4/30/09_____

_____/s/_____
Douglas Horngrad
Attorney for Defendant Philip Kuang

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20 JOSEPH P. RUSSONIELLO
United States Attorney

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22 Dated: 4/30/09_____

_____/s/_____
Kyle Waldinger
Assistant United States Attorney

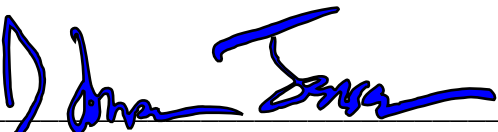
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25 ORDER

26 Based on the facts set out above, the Court finds that, taking into account the
27 public interest in the prompt disposition of criminal cases, granting a continuance until

1 June 12, 2009, is necessary based on the need for effective preparation of defense
2 counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds
3 that the ends of justice served by excluding the period from May 8, 2009, to June 12,
4 2009, outweigh the best interest of the public and the defendant in a speedy trial. Id. §
5 3161(h)(7)(A). Accordingly, the Court sets a status hearing in this matter for June 12,
6 2009, and orders that the period from May 8, 2009, to June 12, 2009, be excluded from
7 Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(B)(iv).
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10 IT IS SO ORDERED.

11 Dated: May 1, 2009


The Honorable D. Lowell Jensen
United States Senior District Judge

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